IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED JUN 2 8 2005

> JOHN F. CORCORAN, CLERK BY: DEPLITY CLERK

BRIAN DAVID ALLEN, Plaintiff,) Civil Action No. 7:05-cv-00401
v.) FINAL ORDER
GEORGE W. NOLLEY, Defendant(s).) By: Hon. James C. Turk) Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is **FILED** and **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915A(b)(1), and stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff and to the defendant.

ENTER: This 28 day of _______, 2005.

Senior United States District Judge